

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

RECEIVED
MAY 19 2005

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Central Railroad Company; Village of Bourbonnais; :
County of Kankakee; Township of Bourbonnais; :
State of Illinois, Department of Transportation :
:

T04-0054

Stipulated Agreement regarding construction of a connecting road :
(Belson Road), vacation of McKnight Road within the railroad :
right-of-way limits and closure of McKnight Road highway-rail :
grade crossing of the Illinois Central Railroad Company's tracks :
located in the Village of Bourbonnais, Kankakee County, Illinois :
designated as crossing AAR/DOT #288 933B, milepost 51.35M. :

PETITION FOR SUPPLEMENTAL ORDER AND EXTENSION OF TIME

NOW COMES the Village of Bourbonnais, an Illinois Municipal Corporation, by and through its attorney, Patrick T. Dunn, of the law firm LaBeau Dietchweiler Capriotti & Dunn P.C., and requests an extension of the deadline for the completion of construction pursuant to the order entered in this case. In support of this request, The Village of Bourbonnais alleges upon information and belief as follows:

1. On April 26, 2004, May 3, 2004, May 11, 2004, May 17, 2004, June 7, 2004 and June 8, 2004, The Illinois Commerce Commission, The Village of Bourbonnais, the Illinois Department of Transportation, the Township of Bourbonnais, the Illinois Central Railroad Company and the County of Kankakee executed a Stipulated Agreement No. 1034, which provided for the construction of a connecting road, Belson Road, vacation of McKnight Road within the railroad's right-of-way and closure of the McKnight Road highway-rail grade crossing of the Illinois Central Railroad Company's tracks located in the Village of Bourbonnais, Kankakee County, Illinois, designated as crossing AAR/DOT #288 933B, milepost 51.35M.

DOCKETED

MAY 20 2005

2. A true and correct copy of Stipulated Agreement No. 1034 is attached hereto as Exhibit "A".

3. On June 23, 2004 an ORDER was entered accepting the terms of Stipulated Agreement No. 1034 and requiring the parties to the agreement to meet its terms.

4. A true and correct copy of the ORDER entered June 23, 2004 is attached hereto as Exhibit "B".

5 The ORDER additionally required all work be completed within one (1) year from the date of the order.

6. The ORDER additionally required that reimbursement from the Grade Crossing Protection Fund shall expire, and the Illinois Department of Transportation shall de-obligate all residual Grade Crossing Protection Fund money, twelve (12) months after the completion date specified in the order.

7. The previously mentioned deadlines are to expire on or about June 23, 2005.

8. The Village of Bourbonnais requires extensions of the deadlines set in the ORDER.

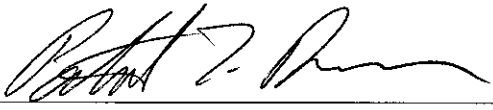
7. The Village of Bourbonnais will be unable to meet the required construction deadline set forth in the ORDER due to additional right of way that was required for the project to be completed, and The Village of Bourbonnais has had problems obtaining said right of way from the landowner(s). The Village of Bourbonnais has received verbal commitment from the landowner(s) for the appropriate dedications and the Village is now in the process of completing the necessary legal documentation.

WHEREFORE, the Village of Bourbonnais respectfully requests that:

- A. the deadline for completion of construction be extended six (6) months to December 23, 2005; and
- B. the deadline for reimbursement from the Grade Crossing Protection Fund, and the Illinois Department of Transportation's requirement to de-obligate all residual Grade Crossing Protection Fund money, be extended six (6) months to December 23, 2005; and
- C. any and all deadlines for contribution of or payment of funds for this project be adjusted accordingly and therefore be extended six (6) months to December 23, 2005.

Dated: May 18, 2005

VILLAGE OF BOURBONNAIS, ILLINOIS,
an Illinois Municipal Corporation.

BY: 
Patrick T. Dunn
Attorney for the Village of Bourbonnais

Prepared By:
Patrick T. Dunn
LaBeau Dietchweiler Capriotti & Dunn P.C.
Attorney for the Village of Bourbonnais
200 East Court Street, Suite 700
Kankakee, Illinois 60901
Phone: (815)933-6637
Fax: (815)933-9940

EXHIBIT A

Stipulated Agreement No. 1034

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

T04-0054

STIPULATED AGREEMENT No. 1034

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", the Illinois Central Railroad Company, hereinafter referred to as the "Company", the Village of Bourbonnais in Kankakee County, hereinafter referred to as the "Village", the County of Kankakee, hereinafter referred to as the "County", the Township of Bourbonnais, hereinafter referred to as the "Township" and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, within the Village, McKnight Road extends in an east-west direction, crosses the Company's tracks (DOT 288 933B) and intersects with Illinois Route 50 approximately 470 feet east of the tracks as measured centerline to centerline. St. George Road (County Highway 8), which is one-half mile north of McKnight Road, extends in an east-west direction, crosses the Company's tracks (DOT 288 932U) and intersects with Illinois Route 50 approximately 610 feet east of the tracks as measured centerline to centerline. The McKnight Road and St. George Road grade crossings are equipped with automatic flashing light signals and gates. McKnight Road is heavily used by large tractor-trailer trucks. A recent highway capacity analysis conducted by the Department reveals that the vehicle storage area between the St. George Road crossing and Illinois Route 50 is adequate for existing and projected traffic; and

WHEREAS, the Village proposes to extend Belson Road south from its present terminus south of St. George Road, to connect with McKnight Road, a distance of approximately 1,900 feet; the road extension, which is west of the Company's tracks, would allow for closing and barricading of the grade crossing of the Company's tracks with McKnight Road, and would divert traffic from McKnight Road to St. George Road; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid safety improvements by the Commission's Railroad Section Staff; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements as hereinafter contained, the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that the Grade Crossing Protection Fund (GCPF) of the Motor

DOCKETED

Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1: All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2: The parties are of the opinion that in the interest of public safety the following improvements should be made:

- a. Construct an extension to the existing Belson Road, by the Village, between St. George Road and McKnight Road, substantially as set forth in Exhibit A attached hereto.
- b. Vacate the existing McKnight Road grade crossing by the Village within the Company's right-of-way.
- c. Close, abolish and barricade the McKnight Road crossing by the Company, shown in Exhibit B attached hereto, subsequent to completion and opening of the Belson Road extension.

Section 3: The Village has prepared an estimate of cost to accomplish the proposed roadway work which it may be required to perform, said estimate is attached as Exhibit C, and shall upon Order, according to the requirements contained therein, prepare detailed plans and specifications for the proposed improvement for the approval of the Commission and the Department.

Section 4: The Company and Village shall upon the Commission's Order, according to the requirements contained therein, proceed toward the completion of the work proposed herein accomplishing the improvements with their own forces or appropriate contracted services and agree that an appropriate time for the submission of any plans should be two (2) months from the date of the Commission Order, the submission of progress reports should be six (6) months from the date of the Commission Order and for completion of the work should be twelve (12) months from the date of the Commission Order subsequent to this Agreement.

Section 5: The aforesaid progress reports shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (Inventory number and railroad milepost number), type of improvement and project manager information (name, title, mailing address, phone number and facsimile number of the Company and Village employee responsible for management of the project); the report from the Village shall also include the status of expenditures of the roadway project and percentage of completion of the project; if the project is behind schedule, the report must also include a brief explanation of the reason(s) for the delay.

Section 6: The parties hereto agree that an equitable division of cost to perform the proposed improvement should be:

- a. The cost to close, abolish and barricade the McKnight Road crossing (no estimate) should be paid 100% by the Company. The cost to maintain the barricades should be paid 100% by the Village.
- b. The cost for the Village to construct Belson Road, as set forth in attached Exhibit C, is estimated to be \$561,238. The Grade Crossing Protection Fund should pay 50% of the actual cost, not to exceed \$280,619. The Village should pay all remaining construction costs, as well as all future maintenance costs.
- c. The Village should pay 100% of the cost to vacate McKnight Road within the Company's right-of-way.

Section 7: The Village is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 8: All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Department's district office as follows: Illinois Department of Transportation, Bureau of Local Roads and Streets, 700 East Norris Drive, Ottawa, Illinois 61350. The final bill for expenditures shall be clearly marked "Final Bill", and authorization for reimbursement from the Grade Crossing Protection Fund shall expire and the Department shall de-obligate all residual Grade Crossing Protection Fund money twelve (12) months after the completion date specified in the Order.

Section 9: The Village shall submit to the Commission copies of the vacation ordinance or other legal documents that show McKnight Road has been vacated within the Company's right-of-way. The Village and the Township shall install and maintain any required signs in conformance with the Manual on Uniform Traffic Control Devices, indicating the McKnight Road crossing closure.

Section 10: This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the Commission shall within 60 days enter an appropriate order accepting or rejecting such stipulation according to the provisions contained herein.


In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **26th** day of **April**, 2004

A handwritten signature in dark ink, appearing to read "M. E. Stead", is written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

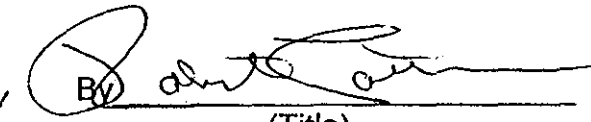
A handwritten signature in dark ink, appearing to read "Daniel S. Drewes", is written over a horizontal line.

Daniel S. Drewes
Rail Safety Section

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning the construction of a connecting road and the closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) in the Village of Bourbonnais, Illinois.

Executed by the Village of Bourbonnais this 3rd day of May, 2004.

VILLAGE OF BOURBONNAIS


BY _____
(Title)
Mayor

Attest:



Village Clerk

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning construction of a connecting road and closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) located in Bourbonnais, Illinois.

Executed by the Department this 11th day of May, 2004.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By Victor A. Mooker
Director of Highways *VR*

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning the construction of a connecting road and the closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) located in Bourbonnais, Illinois.

Executed by the Township of Bourbonnais this 17th day of May, 2004.

BOURBONNAIS TOWNSHIP

By Michael Hildebrando
(Title)
HIGHWAY COMMISSIONER
MICHAEL HILDEBRAND, HIGHWAY
COMMISSIONER

Attest:

Joan Pierce
JOAN PIERCE, TOWNSHIP CLERK

RECORDED
MAY 19 2004

Illinois Commerce Commission
RAID BY JEFF LORING

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning construction of a connecting road and closure of the McKnight Road highwayrail crossing of the Illinois Central Railroad Company's track (Milepost 51.35, AAR/DOT 288 933B) in the Village of Bourbonnais, Kankakee County, Illinois.

Executed by the Company this 7th day of June, 2004

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladue
Paul E. Ladue
Region Manager
Contracts and Administration

Witness:

Tom Zeinz
Tom Zeinz
Manager Public Works

Illinois Commerce Commission Stipulated Agreement No. 1034 concerning the construction of a connecting road and the closure of the Illinois Central / McKnight Road grade crossing (DOT 288 933B) in the Village of Bourbonnais, Illinois.

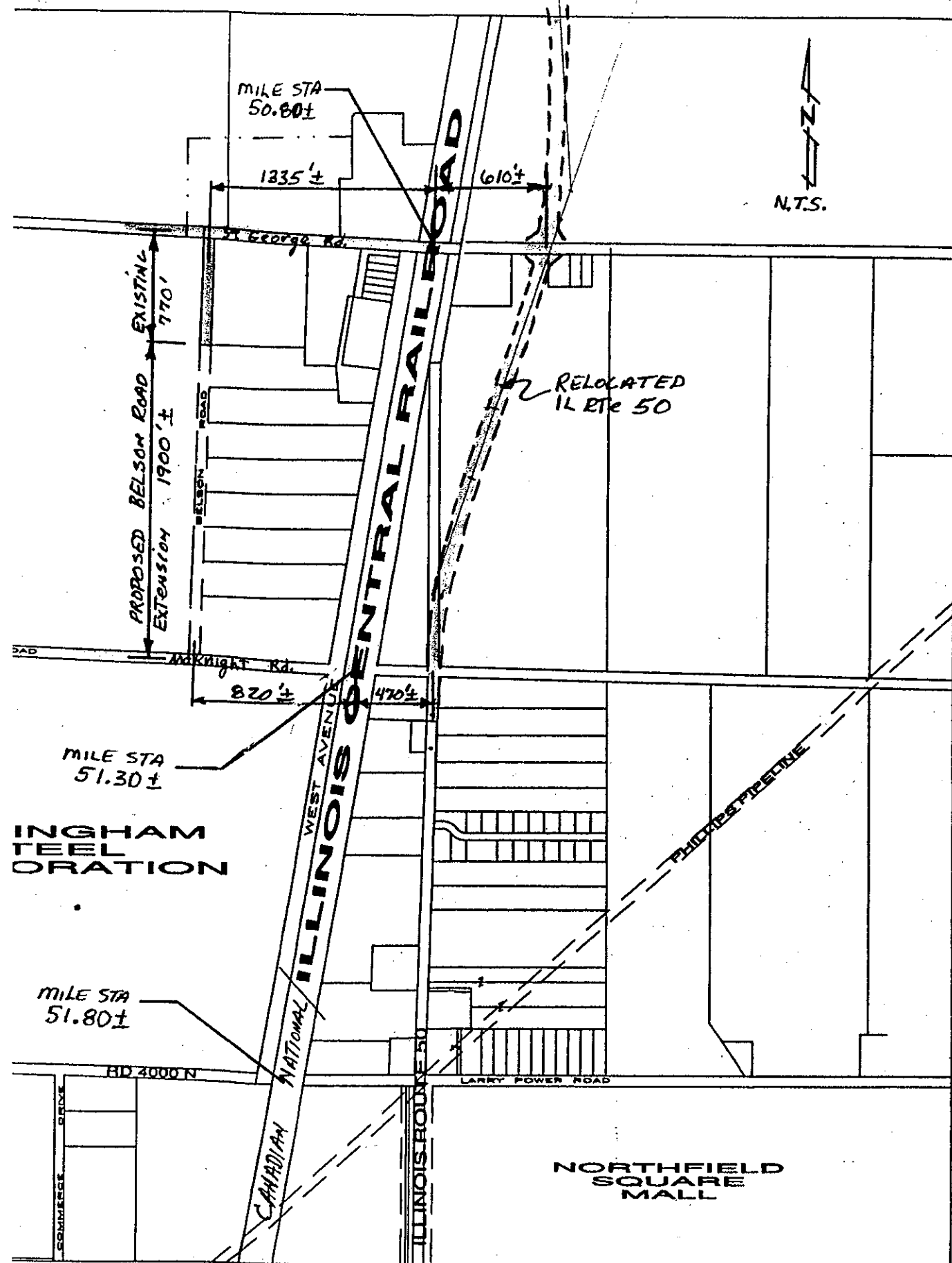
Executed by the County of Kankakee this 8th day of June, 2004.

County of Kankakee

By Karl P. Kramer
(Title)

Attest:

Brian Clark



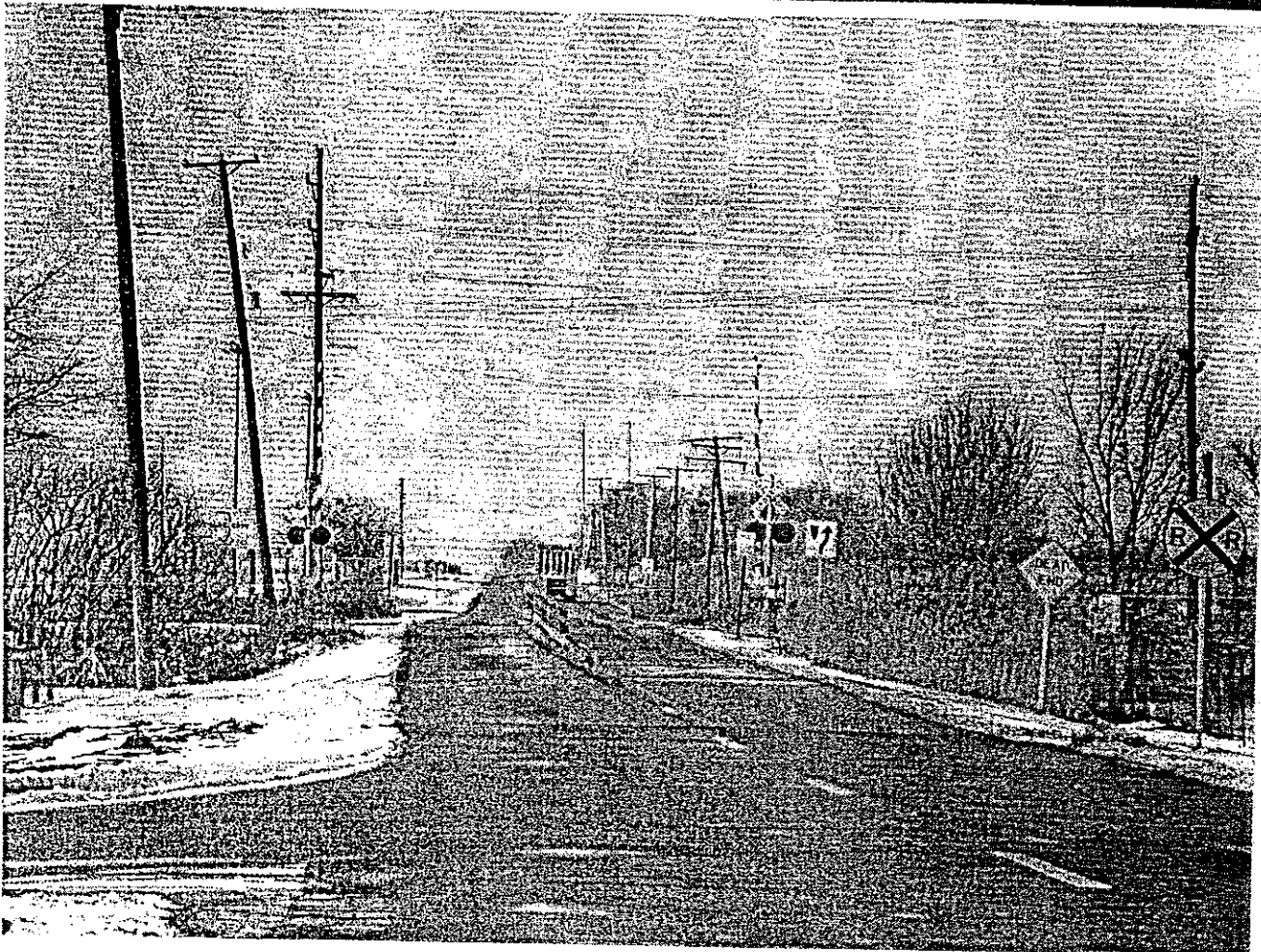
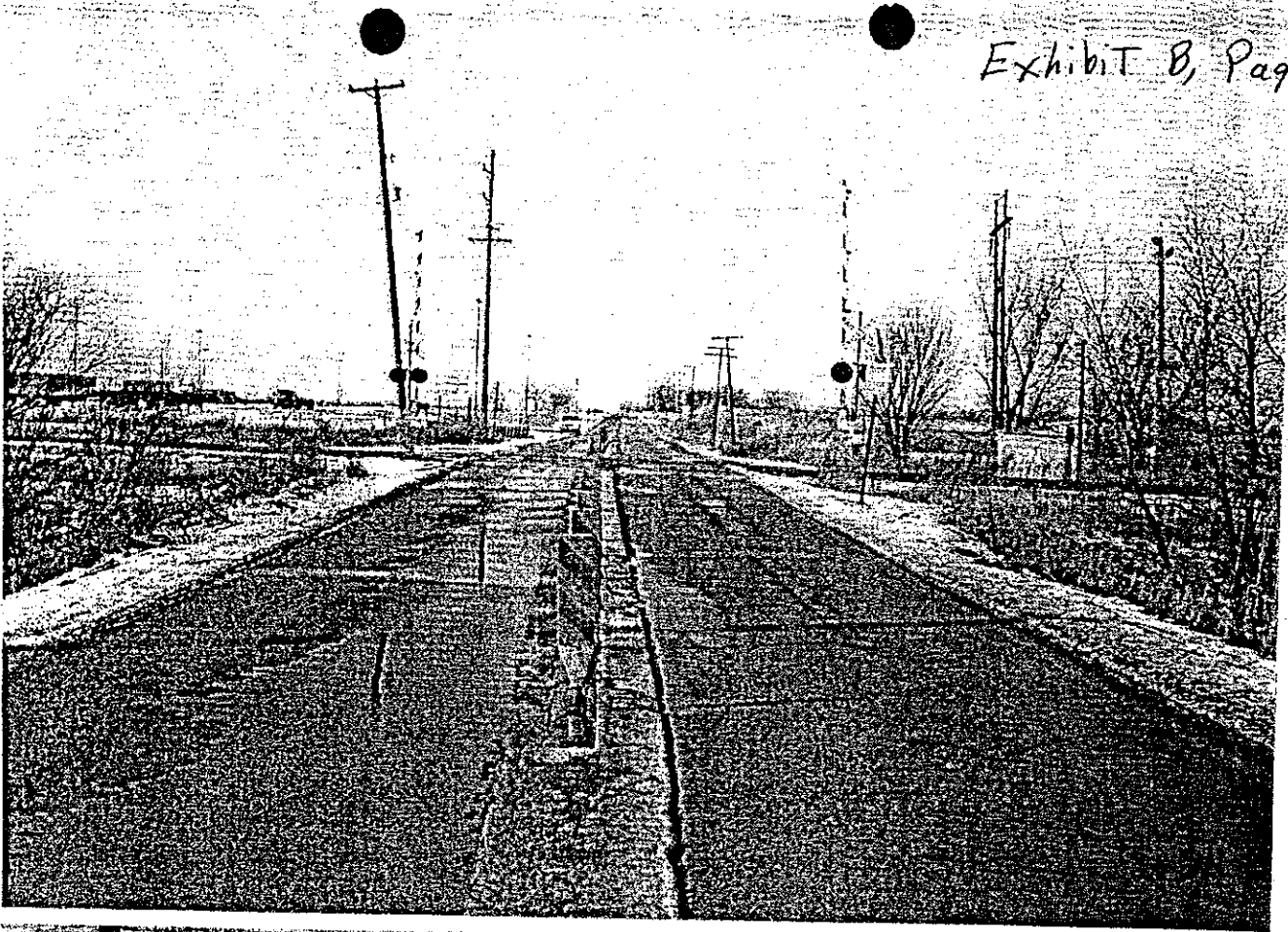


Exhibit B, Page 2

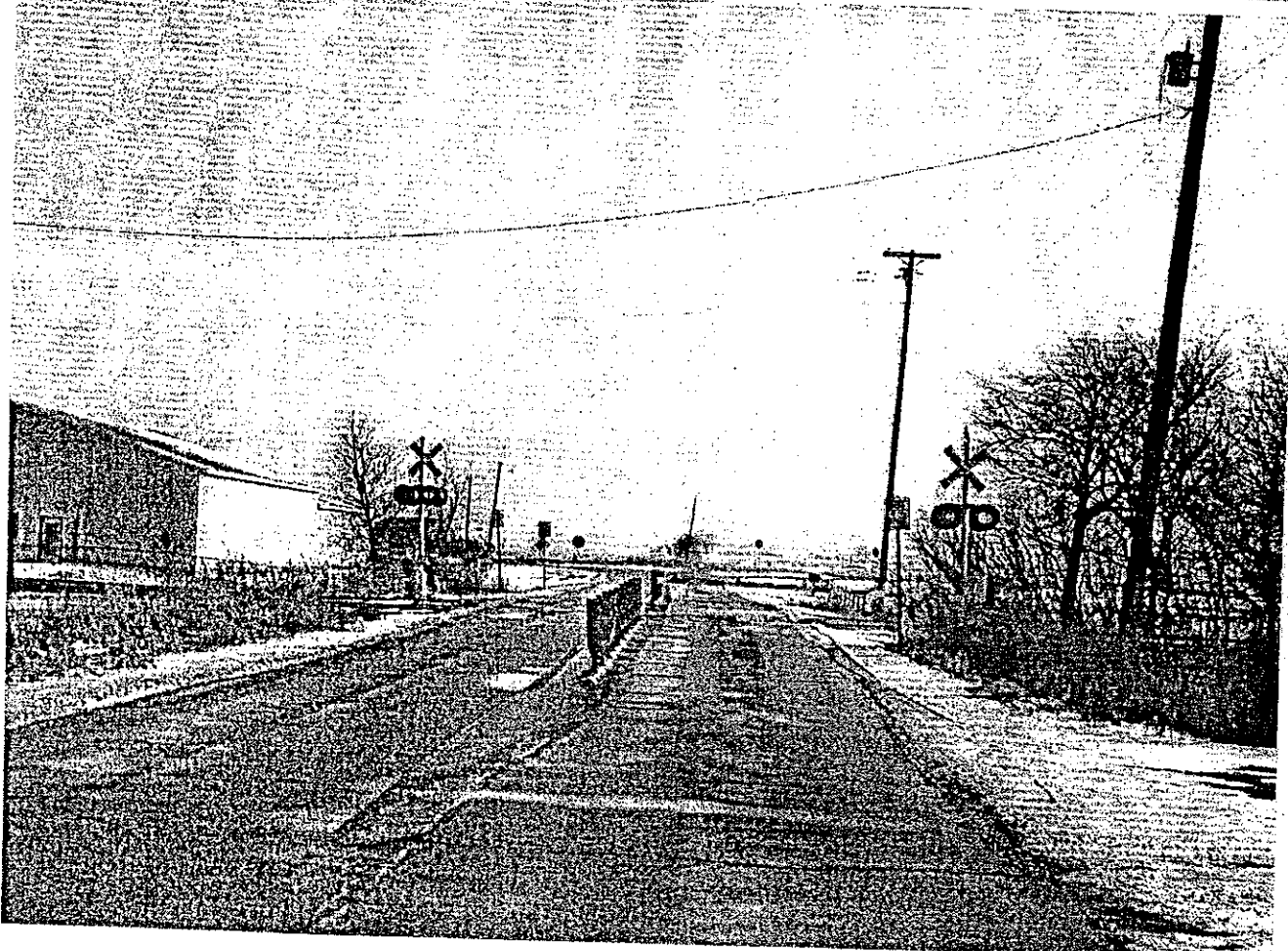


Exhibit C

Village of Bourbonnais**Belson Road Extension (St. George Road to McKnight Road)-1900 LN. FT.****Very Preliminary Estimate of Cost—Dated March 4, 2004****CONSTRUCTION COST ESTIMATE**

Earth Excavation	3000 CY	\$ 10.00	\$ 30,000.00
Combination Concrete Curb & Gutter	3810 LF	\$ 15.00	\$ 57,150.00
Heavy Duty Pavement	7604 SY	\$ 28.00	\$212,912.00
Storm Sewer Piping < 18"	840 LF	\$ 25.00	\$ 21,000.00
Storm Sewer Piping > 18"	2100 LF	\$ 45.00	\$ 94,500.00
Storm Sewer Manholes	8 EA	\$1,500.00	\$ 12,000.00
Storm Sewer Inlet	12 EA	\$ 600.00	\$ 7,200.00
Street Lights	6 EA	\$4,000.00	\$ 24,000.00
Pavement Markings & Signage	1 LS	\$2,500.00	\$ 2,500.00
Restoration	1 LS	\$3,500.00	\$ 3,500.00
10% Contingency			<u>\$ 46,476.20</u>

Construction Cost Estimate **\$511,238.20**

Engineering Cost **\$ 50,000.00**

Very Preliminary Project Cost Estimate **\$561,238.20**

Exhibit D

ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT

Date May 3, 2004 Agreement # 1034

The Village of Bourbonnais Board of Trustees
(Board or Council of City, Village, County, etc.)

meeting on May 3, 2004 Resolved to authorize
Robert Latham, Village President
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that
the Village of Bourbonnais
(Township, City, Village or County)

is financially willing and able to bear the costs for the proposed improvement as may be
assigned to it according to the terms of this Agreement.

EXHIBIT B

ORDER entered June 23, 2004

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company; Village of :
Bourbonnais; County of Kankakee; Township of :
Bourbonnais; State of Illinois, Department of :
Transportation. :

T04-0054

Stipulated Agreement regarding construction of a :
connecting road (Belson Road), vacation of :
McKnight Road within the railroad right-of-way limits :
and closure of the McKnight Road highway-rail :
grade crossing of the Illinois Central Railroad :
Company's tracks located in the Village of :
Bourbonnais, Kankakee County, Illinois, designated :
as crossing AAR/DOT #288 933B, milepost 51.35M. :

ORDER

By the Commission:

On April 26, 2004, May 3, 2004, May 11, 2004, May 17, 2004, June 7, 2004 and June 8, 2004, the Illinois Commerce Commission ("Commission"), the Village of Bourbonnais ("Village"), the Illinois Department of Transportation ("Department"), the Township of Bourbonnais ("Township"), the Illinois Central Railroad Company ("Company") and the County of Kankakee ("County"), respectively, executed a Stipulated Agreement according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law. The Stipulated Agreement, which is appended hereto, provides for construction of a connecting road (Belson Road), vacation of McKnight Road within the railroad's right-of-way and closure of the McKnight Road highway-rail grade crossing of the Illinois Central Railroad Company's tracks located in the Village of Bourbonnais, Kankakee County, Illinois, designated as crossing AAR/DOT #288 933B, milepost 51.35M.

The Commission, having given due consideration to the Stipulated Agreement, finds that:

- (1) The Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) The proposed Belson Road extension is shown on Exhibit A and the physical characteristics of the McKnight Road highway-rail grade crossing are indicated on Exhibit B, of the Stipulated Agreement, appended hereto;
- (3) The parties agree that in the interest of public safety the improvements as set forth in Section 2 of the Stipulated Agreement, appended hereto, should

be performed;

- (4) The cost for the proposed improvements should be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, in accordance with the Law;
- (5) It is fair and reasonable that the Secretary of the Illinois Department of Transportation through the Grade Crossing Protection Fund of the Motor Fuel Tax Law, the Village of Bourbonnais and the Illinois Central Railroad Company be directed to bear their respective portions of the actual cost of the proposed improvements as set forth in Section 6 of the Stipulated Agreement, appended hereto;
- (6) 625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects all parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises that any failure to comply may result in the assessment of such sanctions.

IT IS THEREFORE ORDERED that the terms of the Stipulated Agreement executed by the Staff of the Illinois Commerce Commission, the Village of Bourbonnais, the Illinois Department of Transportation, the Township of Bourbonnais, the Illinois Central Railroad Company and the County of Kankakee on April 26, 2004, May 3, 2004, May 11, 2004, May 17, 2004, June 7, 2004 and June 8, 2004, respectively, be, and they are hereby accepted and required to be met by the aforesaid parties.

IT IS FURTHER ORDERED that the Village of Bourbonnais and the Illinois Central Railroad Company be, and they are hereby, required and directed to proceed immediately in scheduling or performing the work as set forth in Section 2 of the Stipulated Agreement, appended hereto and shall complete the work within one (1) year from the date of this Order.

IT IS FURTHER ORDERED that the cost of making the improvements herein required shall be divided among the parties and the Grade Crossing Protection Fund of the Motor Fuel Tax Law, as set forth in Section 6 of the Stipulated Agreement, appended hereto.

IT IS FURTHER ORDERED that the Village of Bourbonnais, within two (2) months from the date of this Order, shall submit detailed plans for the Belson Road extension to the Illinois Department of Transportation.

IT IS FURTHER ORDERED that the Illinois Department of Transportation shall, within thirty (30) days of its receipt of the aforesaid detailed plans, furnish to the Commission's Director of Processing and Information, Transportation Bureau, a statement of its approval or disapproval thereof.

IT IS FURTHER ORDERED that the Village of Bourbonnais shall submit to the Commission's Director of Processing and Information copies of the vacation ordinance or other legal documents that show McKnight Road has been vacated within the Illinois Central Railroad Company's right-of-way.

IT IS FURTHER ORDERED that the Village of Bourbonnais and Bourbonnais Township shall install and maintain any required signs in conformance with the Manual on Uniform Traffic Control Devices, indicating the McKnight Road crossing closure

IT IS FURTHER ORDERED that all bills for expenditures from the Grade Crossing Protection Fund shall be submitted as set forth in Section 8 of the Stipulated Agreement appended hereto.

IT IS FURTHER ORDERED that authorization for reimbursement from the Grade Crossing Protection Fund shall expire, and the Illinois Department of Transportation shall de-obligate all residual Grade Crossing Protection Fund money, twelve (12) months after the completion date specified in this Order.

IT IS FURTHER ORDERED that the Village of Bourbonnais and the Illinois Central Railroad Company shall submit progress reports to the Illinois Commerce Commission's Director of Processing and Information, Transportation Bureau, within six (6) months from the date of this Order. The aforesaid progress reports shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (Inventory number and railroad milepost number), type of improvement and project manager information (name, title, mailing address, phone number and facsimile number of the Company and Village employee responsible for management of the project) The report from the Village shall also include the status of expenditures of the roadway project and percentage of completion of the project. If the project is behind schedule, the report must also include a brief explanation of the reason(s) for the delay.

IT IS FURTHER ORDERED that the Illinois Central Railroad Company shall submit to the Director of Processing and Information, Transportation Bureau of the Commission within five (5) days of the completion of its work herein required, U.S. DOT Crossing Inventory Form 6180.71 as a notice of said completion.

IT IS FURTHER ORDERED that the Village of Bourbonnais be, and it is hereby required and directed to submit a written notice, to the Director of Processing and Information, Transportation Bureau of the Commission, of the date the work herein required of it has been completed. Said notice shall be submitted within five (5) days after said completion date.

IT IS FURTHER ORDERED that, any person making a Request For Extension Of Time up to 30 days to complete a project ordered by the Commission must file a request with the Director of Processing and Information no later than 14 days in advance of the scheduled deadline. An Administrative Law Judge will consider and decide the request.

IT IS FURTHER ORDERED that, any person requesting an extension of time that exceeds 30 days must file a Petition For Supplemental Order with the Director of Processing and Information no later than 21 days in advance of the scheduled deadline. The Commission will decide Petitions For Supplemental Orders.

IT IS FURTHER ORDERED that, requests For Extension Of Time and Petitions For Supplemental Orders must include the reason(s) the additional time is needed to complete the work and the time within which the project will be completed. Prior to submitting a Request For Extension Of Time or a Petition For Supplemental Order, the person must notify the Commission's Rail Safety Program Administrator that it is unable to complete the project within the ordered timeframe.

IT IS FURTHER ORDERED that, the Commission or its Administrative Law Judge reserves the right to deny Petitions For Supplemental Orders and Requests For Extension Of Time, if the reason(s) supporting the request is insufficient or where it appears the person has not made a good faith effort to complete the project within the allotted time. Failure of the Commission or Administrative Law Judge to act on a pleading prior to the deadline means the originally ordered completion date remains in effect.

IT IS FURTHER ORDERED that, subject to Section 18c-2201 and 18c-2206 of the Law, this is a final decision subject to the Administrative Review Law.

T04-0054

By Order of the Commission this 23rd day of June, 2004.

*Edward C. Husley*₂

Chairman

JUDGE
SECTION CHIEF <i>MES</i>
ORDERS SUPERVISOR

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Central Railroad Company; Village of Bourbonnais)
County of Kankakee; Township of Bourbonnais;)
State of Illinois, Department of Transportation)
) T04-0054
Stipulated Agreement regarding construction of a)
Connecting road (Belson Road), vacation of McKnight)
Road within the railroad right-of-way limits and closure)
Of McKnight Road highway-railgrade crossing of the)
Illinois Central Railroad Company's tracks located in)
The Village of Bourbonnais, Kankakee County, Illinois)
Designated as crossing AAR/DOT #288 933B, Milepost)
51.35M.)

To: Michael J. Barron, Jr.
Counsel
Illinois Central Railroad Company
17641 S. Ashland Avenue
Homewood, IL 60430

Michael Hildebrand
Highway Commissioner
Bourbonnais Township
623 Woodstock Lane
Bourbonnais, IL 60914

Robert Latham
Village President
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

Victor A. Modeer
Director of Highways-IDOT
Attn: Jeff Harpring, Room 205
2300 S. Dirksen Parkway
Springfield, IL 62764

James W. Piekarczyk
Kankakee County Highway Engineer
750 S. East Avenue, PO Box 825
Kankakee, IL 60901

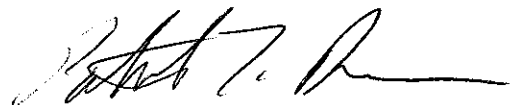
Brian Simeur
Village Clerk
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

William T. Sunley
Professional Engineer
Hanson Professional Services, Inc.
1525 S. Sixth Street
Springfield, IL 62703

David Lazarides
Acting Director of Processing
Transportation Bureau
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

NOTICE OF FILING

PLEASE TAKE NOTICE that on the 18th day of May 2005, there was filed with the Illinois Commerce Commission of the State of Illinois, the attached Petition for Supplemental Order and Extension of Time in the above-referenced matter.



State of Illinois)
) SS:
County of Kankakee)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of May 2005, the original and two copies of the foregoing PETITION FOR SUPPLEMENTAL ORDER AND EXTENSION OF TIME was served for filing upon David Lazarides, Acting Director of Processing, Transportation Bureau, Illinois Commerce Commission, 527 E. Capitol, Springfield, IL, 62701, in a securely sealed envelope with sufficient postage attached to carry the same.

The following persons were also served a copy by U.S. mail:

Michael J. Barron, Jr.
Counsel
Illinois Central Railroad Company
17641 S. Ashland Avenue
Homewood, IL 60430

Michael Hildebrand
Highway Commissioner
Bourbonnais Township
623 Woodstock Lane
Bourbonnais, IL 60914

Robert Latham
Village President
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

Victor A. Modeer
Director of Highways-IDOT
Attn: Jeff Harpring, Room 205
2300 S. Dirksen Parkway
Springfield, IL 62764

James W. Piekarczyk
Kankakee County Highway Engineer
750 S. East Avenue, PO Box 825
Kankakee, IL 60901

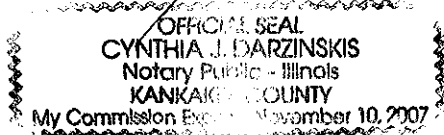
Brian Simeur
Village Clerk
Village of Bourbonnais
700 Main Street NW
Bourbonnais, IL 60914

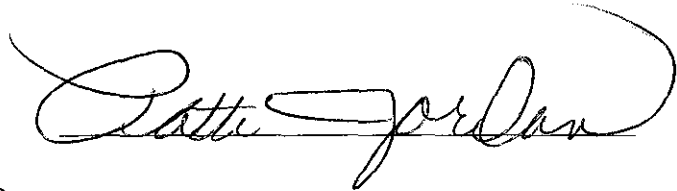
William T. Sunley
Professional Engineer
Hanson Professional Services, Inc.
1525 S. Sixth Street
Springfield, IL 62703

David Lazarides
Acting Director of Processing
Transportation Bureau
Illinois Commerce Commission
527 E. Capitol Avenue
Springfield, IL 62701

SUBSCRIBED & SWORN to before me
this 18th day of May 2005.


Notary Public





Patrick T. Dunn, Village Attorney
LaBeau, Dietchweiler, Capriotti & Dunn, P. C.
200 E. Court Street – Suite 700
Kankakee, IL 60901
Phone: (815) 933-6637
Fax: (815) 933-9940